

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-53 are pending in this case. Claims 1, 5, 9, 11, 12, 17, 20, 24, 34, 37 and 44 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ The claims are also amended to correct matters of form and to avoid interpretation under 35 U.S.C. § 112, sixth paragraph. No new matter is presented.

In the outstanding Official Action, the drawings and Claims 5 and 11 were objected because of minor informalities; Claims 1-13, 15, 17, 20-21, 24, 34, 36-37, 41 and 44 were rejected under 35 U.S.C. § 102(e) as anticipated by Picco et al. (U.S. Patent No. 6,029,045, hereinafter "Picco"); and Claims 14, 16, 19, 22-23, 25-33, 35, 38-40, 42-43, 45-53 were rejected under 35 U.S.C. § 103(a) as unpatentable over Picco.

Fig. 10 was objected to for failing to include reference character "130", mentioned in the specification. In response, submitted herewith is a Letter Submitting Drawing Sheets along with one Replacement Sheet for Fig. 10 adding the proper reference "130". Further, Fig. 2 was objected to because reference character "34" was included in the figure, but omitted from the corresponding description in the specification. In response, the specification is amended, at p. 21, line 3, to include reference character "34" in referring to the "transmitting section".

Accordingly, Applicant respectfully requests that the objections to the drawings be withdrawn.

¹ Specification p. 23, lines 4-6.

Claims 5 and 11 were objected to because of minor informalities. In response, these claims are amended in accordance with the recommendations set forth in the outstanding Official Action.

Accordingly, Applicant respectfully requests that the objections to Claims 5 and 11 be withdrawn.

The pending independent claims were rejected under 35 U.S.C. § 102(e) as anticipated by Picco. Applicant respectfully submits that amended independent Claims 1, 5, 9, 12, 17, 20, 24, 34, 37 and 44 state novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 relates to an information providing system which provides a continuous stream of multimedia contents to a user. The system includes a server section which transmits the continuous stream of multimedia contents including prearranged combinations of program main body data and auxiliary materials to a terminal section. The terminal receives the continuous stream of contents data and commercial data, with attributes at least including an effective date, transmitted from the server section. The terminal section then prepares a new arrangement by modifying the arrangement order of the contents data by processing the attribute data of each program main body data and that of each auxiliary material of a program as separated from each other as well as the profile data of the user and that of the user device.

The claimed system allows for program data and auxiliary information, such as commercial data, to be rearranged based on the profile data corresponding to the user and the user device.

Turning to the applied reference, Picco describes a system and method for inserting local content into “live” programming content. Specifically, Picco describes that “live” programming data and local content are transmitted to a set-top box, which stores

predetermined portions of the local content data based on predetermined criteria and inserts the local content at an identified local content space in the programming data stream.² Picco further describes that the set-top box may select a particular piece of local content to insert based on based on user preferences to provide individualized local content.³

However, Picco fails to teach or suggest specific features recited in amended independent Claim 1.

Specifically, amended Claim 1 recites, *inter alia*, an information providing system, comprising:

a transmission server section configured to transmit a continuous stream of contents data ... including ... groups of auxiliary materials, *the auxiliary materials including at least commercial (CM) data with attributes including at least an effective date...*

Picco describes that an uplink facility includes a content profile for each piece of local content, and that this content profile may include an expiration date of the local content.⁴ Specifically, the determination of which local programming is transmitted to the set-to box from the uplink facility is determined on the basis of profile and statistical information sent from the set-top box to the scheduler, or agent, located at the uplink facility.⁵ This profile and statistical information received from the set-top box at the uplink facility is analyzed against the profile information corresponding to stored local content to determine the most appropriate local content to be transmitted from the uplink facility to the set-top box for display to the user. The local content is then transmitted to the set-top box without the corresponding profile information. Therefore, the expiration date is kept in the local content profile at the uplink facility and is not transmitted from the facility to the set-top whatsoever.

² Picco Abstract.

³ Id.

⁴ Id. col. 6, line 57-col. 7, line 32.

⁵ Id.

Thus, Picco fails to teach or suggest that a transmission server configured to transmit a constant stream of data including ***auxiliary materials including at least commercial (CM) data with attributes including at least an effective date***, which are received by the terminal section, as recited in amended Claim 1.

Further, amended Claim 1 recites, *inter alia*, an information providing system, wherein the terminal section includes

...an arrangement control function of ***preparing a new arrangement by modifying the arrangement order of the contents data*** by processing the attribute data of each program main body data and that of each auxiliary material of a program...

In contrast, Picco describes that the non-local content information consists of a “live” feed transmitted from the satellite system and that local content is inserted into identified local content space within the “live” feed.⁶ At no point are the received contents “rearranged” in any way, instead, the local content information is simply inserted into the space identified in the “live” feed that is reserved for local content. The “live” feed has a predetermined format dictated by the uplink facility, and therefore could not possibly be rearranged by the terminal section, as recited in amended Claim 1.

Therefore, Picco fails to teach or suggest a terminal configured to ***prepare a new arrangement by modifying the rearrangement order of the contents data***, as recited in amended Claim 1.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102 be withdrawn. For substantially the same reasons as provided with respect to amended Claim, it is also submitted that amended independent Claims 1, 5, 9, 12, 17, 20, 24, 34, 37 and 44 also patentably define over Picco.

Claims 14, 16, 19, 22-23, 25-33, 35, 38-40, 42-43, 45-53 were rejected under 35 U.S.C. § 103(a) as unpatentable over Picco. As these claims depend from a respective one of

⁶ Id. col. 6, lines 17-41.

the independent claims noted above, Applicant respectfully submits that these claims also patentably define over Picco for at least the reasons discussed above.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-53 is definite and patentably distinguishing over the applied reference. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 10. This sheet, which includes Fig. 10, replaces the original sheet including Fig. 10.

Attachment: Replacement Sheet (1)